

Introduced by: Councilmember Elrich

Adopted:

July 26, 2004

Effective Date:

July 26, 2004

**EMERGENCY ORDINANCE NO. 2004- 26**

**(Amendment of the property maintenance code to facilitate the use of individual room air conditioning units during summer 2004. )**

WHEREAS, Section 26-6(a)(6) of the *Montgomery County Code*, which is applicable to the City of Takoma Park pursuant to Section 6-301 of the *Takoma Park Code*, requires that “[e]ach individual room air conditioning unit, regardless of its current rating, must be served by not less than an individual 20-amp circuit using No. 12 copper wire which terminates in a single receptacle.”; and

WHEREAS, many of the tenants in the City rely on individual room air conditioning units to cool their homes; and

WHEREAS, many of the rental units in the City do not comply with the requirements of Section 26-6(a)(6); and

WHEREAS, enforcement of Section 26-6(a)(6) has resulted in the loss of air conditioning for many tenants; and

WHEREAS, air conditioning is necessary for the health, safety, and welfare, of certain individuals during the warm summer months; and

WHEREAS, the electrical work necessary bring properties into compliance with Section 26-6(a)(6), in many instances, would not be completed in time to provide residents with air conditioning this summer; and

WHEREAS, Section 26-6(a)(5) of the *Montgomery County Code* requires that circuit breakers, fuses, and other circuit protection must not exceed the rated capacity of the circuit and must be sufficient for normal household use; and

WHEREAS, compliance with Section 26-6(a)(5) by landlords and tenants will prevent electrical fires caused by the overloading of circuits during the use of individual room air conditioners; and

WHEREAS, the Council will develop a permanent solution to promote the safety of tenants and ensure that tenants who had the right to use individual room air conditioning units prior to the enforcement of Section 26-6(a)(6) will continue to have that right following the expiration of this Emergency Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND.**

## **SECTION 1. Legislative Findings.**

The Council makes the following findings:

1. The ability to cool one's home is necessary for the health, safety, and welfare of certain elderly or sick residents; and
2. The enforcement of Section 26-6(a)(6) of the *Montgomery County Code* has prevented many residents from cooling their homes during the hottest time of the year.

Accordingly, the Council declares that this ordinance is necessary for the immediate protection of the public health, safety, and welfare.

## **SECTION 2.**

Section 26-6(a)(6) of Chapter 26, Housing and Building Standards, of the *Montgomery County Code* shall not apply to rental units in the City of Takoma Park from July 26, 2004, through October 24, 2004.

## **SECTION 3.**

Capital improvements performed between July 26, 2004, and October 24, 2004, for the purpose of bringing a rental unit or rental facility into compliance with Section 26-6(a)(6) of Chapter 26, Housing and Building Standards, of the *Montgomery County Code* shall be deemed to be necessary to bring a rental unit or rental facility into compliance with the Property Maintenance Code for the purposes of Section 6-505(d)(4)(A) of the *Takoma Park Code*, and may entitle the property owner to a capital improvement rent increase.

## **SECTION 4.**

It is the intention of the Council that air-conditioning be immediately restored to its status as of October 2003. Tenant owned air-conditioning units may be re-installed effective immediately. Landlord owned air-conditioning units that were removed prior to the adoption of this Ordinance are required to be re-installed as soon as possible.

## **SECTION 5. This Ordinance shall be effective immediately.**

Adopted this 26<sup>th</sup> day of July, 2004, as a single-reading ordinance pursuant to Section 309(e) of the *Municipal Charter of the City of Takoma Park*, by roll-call vote as follows:

Aye:	Austin-Lane, Barry, Elrich, Porter, Seamens, Williams
Nay:	None
Absent:	Mizeur
Abstain:	None